

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 4:00CR353
)	
vs.)	
)	MEMORANDUM
JAMES NOVAK,)	AND ORDER
)	
Defendant.)	

This matter came on for hearing regarding a petition for an offender under supervision (filing [255](#)) and the motion to terminate supervised release (filing [263](#)). Mr. Novak, with the concurrence of his newly-retained counsel, William Gallup, entered into an agreement with the government. The agreement was presented to the Court and the Court approved the agreement and directed the parties to perform it. To confirm the agreement, and make it plain,

IT IS ORDERED that:

(1) No later than the close of business on Monday, October 13, 2008, Mr. Novak shall pay to the Clerk of the United States District Court for the District of Nebraska the sum of \$40,000. Said sum shall be paid in certified funds.

(2) The garnishment currently pending against the defendant pursuant to the Federal Debt Collection Procedures Act shall remain in place and shall be satisfied from month to month pursuant to the Act.

(3) Upon timely payment of the \$40,000 identified in paragraph (1), the government shall move to dismiss the petition for an offender under supervision (filing [255](#)) and the Court will grant the motion. The defendant shall remain under supervision until the previously scheduled termination date of October 30, 2009. Upon timely payment of the \$40,000 provided for in paragraph (1), the United States Probation Office shall cease further efforts at collecting restitution.

(4) Upon motion of the defendant, the motion to terminate supervised release (filing [263](#)) is withdrawn.

(5) Should Mr. Novak fail to make the payment provided for in paragraph (1), Mr. Novak shall appear before the undersigned at such time as may be subsequently ordered to address the petition for an offender under supervision (filing [255](#)).

October 3, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge